

Message

From: Hughes, Adam (IHS/PHX) [Adam.Hughes@ihs.gov]
Sent: 10/11/2013 11:53:50 PM
To: Heintzman, Tom (IHS/PHX) [Tom.Heintzman@ihs.gov]; Matson, Eric (IHS/PHX) [Eric.Matson@ihs.gov]; Hamilton, John (IHS/PHX) [John.Hamilton@ihs.gov]
CC: DeCoteau, Jesse (IHS/PHX) [Jesse.Decoteau@ihs.gov]; Lorenz, Robert (IHS/PHX) [Robert.Lorenz@ihs.gov]; brad.rea@ihs.gov; Lee, Bessie [Lee.Bessie@epa.gov]; lpuhuyesva@hopi.nsn.us
Subject: FW: hopi130930.Tribe Village Agreement on HAMP
Attachments: hopi130930.Tribe Village Agreement on HAMP.doc

All:

The Tribe has shared with the IHS a copy of the draft agreement between the Tribe and the Hopi Villages for the delivery of water and for participation in the HAMP and has requested comments from the IHS. Please review the draft agreement and address written comments to Brad Rea, who will be collecting the comments and submitting a final set of IHS comments back to the Tribe. Please reply to all copied on this email with your comments so that all reviewers may see your comments. As the Tribe is awaiting comment, please provide comments back to Brad in one week, by COB Friday Nov 18.

Robert's and my preliminary comments are noted in the email below.

Regards,

From: Hughes, Adam (IHS/PHX)
Sent: Wednesday, October 02, 2013 10:54 AM
To: Rea, Brad (IHS/PHX)
Cc: Lorenz, Robert (IHS/PHX); DeCoteau, Jesse (IHS/PHX)
Subject: FW: hopi130930.Tribe Village Agreement on HAMP

Brad,

Attached is the most recent version of the agreement for the HPUA to provide water and for the villages to participate in the HAMP.

As Robert and I brainstormed this morning, we came up with the following items that need to be discussed and potentially added to the draft agreement:

- Provision for the HPUA to deliver SDWA compliant water at the master meter, including a chlorine residual
- Minimum pressure to be delivered at the master meter by the HPUA
- Acknowledgment that the villages will need to comply with the SDWA on their side of the master meter; including: potential need for additional chlorination by the village, village requirements to meet the lead and copper rule (which may require treatment not currently in place)
- Whether the villages be allowed to blend water from their sources
- Acknowledgment by the villages that the HPUA may potentially need to access telemetry located on village water storage tanks, access altitude valve vaults, and access other misc. items after the master meter
- Whether there be requirements placed upon the villages to provide backflow prevention, with or without blending
- Discussion of base and commodity water rates
- Discussion of water rate per gallon – equalized rate (postage stamp rate) – each village and customer to pay the same rate per gallon without regard to location or complexity of HAMP facilities providing water to the customer

- Discussion of setting of water rates, provisions for re-evaluating rates in the future, adjustment of rates by the HPUA, etc.
- Land use concurrence by the village for the location of HAMP facilities – to include reasonably proximate project maps
- Acknowledgement by the villages that the HPUA will be periodically entering in and upon village lands for maintenance, management, upkeep, and repair of HPUA facilities – whether or not a formal ROW exists to define the location and boundaries of such facilities
- Acknowledgement that the HAMP design and configuration may undergo revisions/upgrades/improvements in the future, that the HPUA will notify and consult with the villages on land use issues before altering the locations and layouts of HAMP facilities in the future
- Acknowledgement that the HPUA may alter, improve, or refine best management practices in regards to any aspect of the HAMP and its management and that the villages will still be bound by this agreement to participate in the HAMP at a minimum participation level of paying the monthly base rate
- Agreement that no village may opt out of the HAMP once the HAMP is constructed

Adam

From: Bill Bettenberg [mailto:BBettenberg@homerlaw.com]
Sent: Monday, September 30, 2013 10:17 AM
To: Lorenz, Robert (IHS/PHX)
Cc: Hughes, Adam (IHS/PHX); Rea, Brad (IHS/PHX)
Subject: hopi130930.Tribe Village Agreement on HAMP

Robert – Attached is my first draft of what I've been referring to as an "intra-Tribal" MOA and would be the MOA referenced on page 4-6 of the Chairman's letter to you on Friday. I would much appreciate any comments you may have on it including suggestions for improvement. I'll be sending a copy to Lionel, also, for his initial comments. I visualize the product of the initial reviews will be a subsequent draft for review by the Tribal Counsel's Energy and Water Committee, and the result of that would still be kept in draft form for meetings with the villages to reach agreement on the version of the MOA that would be signed.

Bill

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